

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.
Elizabeth A. Wilson, LPN, License No. 010370
28 Harkness Drive
Milford, Connecticut 06460
CASE PETITION NO. 910503-11-012

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Statement of Charges dated August 11, 1991. (State Exhibit 1) The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Elizabeth A. Wilson, LPN (hereinafter the Respondent).

The Board issued a Notice of Hearing dated August 5, 1991. The hearing took place on October 22, 1991 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and

that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Elizabeth A. Wilson, hereinafter referred to as Respondent, was issued Connecticut Licensed Practical Nurse license Number 010370 on December 12, 1969 and was at all times referenced in the Statement of Charges the holder of said license. (State Exhibit 4)
2. Pursuant to the General Statutes of Connecticut, Section 4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license. (State Exhibit 2)
3. The Respondent was aware of the time and location of the hearing. State's Exhibit 1 indicates that notice of the location and time of this hearing were delivered by certified mail to the Respondent.
4. The Respondent was not present at the hearing and was not represented by counsel.

5. During January, February and March, 1991 the Respondent was employed as a licensed practical nurse at Pond Point Health Care, 60 Platt Street, Milford, Connecticut. (Department Exhibit 4)
6. On various dates and times during January, February and March, 1991, while employed as a licensed practical nurse at Pond Point Health Care, the Respondent recorded on proof of use sheets the administration of doses of the controlled substance Percocet to patient Loretta Sullivan, but did not make corresponding entries on the medication administration record or nurses medication notes. (State Exhibit 4, p. 3)
7. On various dates and times during January and February, 1991, while employed as a licensed practical nurse at Pond Point Health Care, the Respondent recorded on proof of use sheets the administration of doses of the controlled substance Tylenol with Codeine to patient Anna Bobko, but did not make corresponding entries on the medication administration record or nurses medication notes. (State Exhibit 4, p. 3)
8. On, or about March 4, 1991 a blisterpak of Percocet (Rx No. 2015296) for patient Loretta Sullivan was tampered with in that two (2) Percocet tablets had been removed and replaced with a plain white tablet which resembled Aspirin. (State Exhibit 4, pp. 1-3, 5)

9. On March 7, 1991 a blisterpak of Percocet (Rx No. 2015330) for patient Loretta Sullivan was tampered with on the 3:00 p.m. to 11:00 p.m. shift in that a Percocet tablet was removed and replaced with a plain white tablet which resembled Aspirin. The blisterpak was intact at the beginning of the 3:00 p.m. shift. (State Exhibit 4, pp. 2-3, 6-9) (Hearing Transcript October 22, 1991, pp. 9-10)
10. The Respondent worked the 3:00 p.m. - 11:00 p.m. shift at Pond Point Health Care on March 7, 1991 and had sole access to the blisterpak of Percocet (Rx No. 2015330) between 3:00 p.m. - 11:00 p.m. (State Exhibit 4, p. 2) (Hearing Transcript October 22, 1991, pp. 10-12)
11. The Respondent admitted to Department of Consumer Protection, Drug Control Agents, Deborah Miller and John Gadea that she substituted Aspirin for Percocet tablets in blisterpaks for patient Loretta Sullivan (Rx No. 2015296 and 2015330). (State Exhibit 4, p. 4) (Hearing Transcript October 22, 1991, pp. 14, 18)
12. The Respondent diverted the controlled substance Percocet from Pond Point Health Care for her own personal use. (Hearing Transcript October 22, 1991, pp. 14, 18) (State Exhibit 4, p.5)
13. That the Respondent at times reported to work at Pond Point Health Care with glassy eyes and a strong smell of alcohol. (Hearing Transcript, October 22, 1991, p. 8, 14-15)

DISCUSSION AND CONCLUSIONS

The FIRST COUNT SUBSECTION 3a alleges the Respondent, on or about March 4, 1991 and at prior and subsequent times, while working as a licensed practical nurse at Pond Point Health Care, Milford, Connecticut "diverted the controlled substance Percocet to her own use...."

The Respondent was not present at the hearing to answer to this charge.

The General Statutes of Connecticut, Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession including "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

The Respondent admitted in a verbal statement to Drug Control Agents Deborah Miller and John Gadea that she diverted from Pond Point Health Care the controlled substance Percocet for her own use by substituting Aspirin for Percocet. (FACT No. 8-12)

The Board concludes the Respondent violated the General Statutes of Connecticut Section 20-99(b)(2) by her conduct of diverting the controlled substance Percocet.

The FIRST COUNT SUBSECTION 3b alleges the Respondent, on or about March 4, 1991 and at prior and subsequent times, while working as a licensed practical nurse at Pond Point Health Care, Milford, Connecticut "diverted the controlled substance Tylenol with Codeine to her own use...."

The Respondent was not present at the hearing to answer to this charge.

The Board concludes the Department presented insufficient evidence to prove this charge. Therefore, the First Count Subsection 3b is dismissed.

The FIRST COUNT SUBSECTION 3c alleges the Respondent, on or about March 4, 1991 and at prior and subsequent times, while working as a licensed practical nurse at Pond Point Health Care, Milford, Connecticut "abused or utilized to excess..." the medications Percocet and/or Tylenol with Codeine.

The Respondent was not present at the hearing to answer to this charge.

The General Statutes of Connecticut, Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession including "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on the Respondent's admission to Drug Control Agents Deborah Miller and John Gadea that she diverted the controlled substance Percocet for her own personal use (FACT 11-12) the Board concludes the Respondent violated the General Statutes of Connecticut, Section 20-99(b)(5).

The FIRST COUNT SUBSECTION 3d alleges the Respondent, on or about March 4, 1991 and at prior and subsequent times, while working as a licensed practical nurse at Pond Point Health Care, Milford, Connecticut "abused or utilized to excess.alcohol...."

The Respondent was not present at the hearing to answer to this charge.

The General Statutes of Connecticut, Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession including "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on FACT Number 13 the Board concludes the Respondent abused or excessively used alcohol and therefore violated the General Statutes of Connecticut, Section 20-99(b)(5).

The FIRST COUNT SUBSECTION 3e alleges the Respondent, on or about March 4, 1991 and at prior and subsequent times, while working as a licensed practical nurse at Pond Point Health Care, Milford, Connecticut "failed to completely or properly or accurately make documentations in the medical or hospital records...."

The Respondent was not present at the hearing to answer to this charge.

The General Statutes of Connecticut, Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the

nursing profession including "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

Based on FACT Numbers 6 and 7 the Board concludes the Respondent failed to make entries in medication administration records and nurses medication notes and therefore violated the General Statutes of Connecticut Section 20-99(b)(2).

The FIRST COUNT SUBSECTION 3f alleges the Respondent, on or about March 4, 1991 and at prior and subsequent times, while working as a licensed practical nurse at Pond Point Health Care, Milford, Connecticut "falsified one or more Controlled Substance Receipt Records."

The Respondent was not present at the hearing to answer to this charge.

The Board concludes the Department presented insufficient evidence to prove this charge. Therefore, the First Count Subsection 3f is dismissed.

ORDER

Pursuant to its authority under the General Statutes of Connecticut Section 19a-17 and 20-99, the Board hereby orders:

1. That for the First Count, Subsection 3a, the practical nurse license of the Respondent be revoked.

2. That for the First Count, Subsection 3c, the practical nurse license of the Respondent be revoked.
3. That for the First Count, Subsection 3d, the practical nurse license of the Respondent be revoked.
4. That for the First Count, Subsection 3e, the practical nurse license of the Respondent be revoked.
5. The date of revocation shall become effective on May 15, 1992.

The Respondent, Elizabeth A. Wilson, is hereby directed to surrender her Practical Nurse License No. 010370 to the Board of Examiners for Nursing, 150 Washington Street, Hartford, Connecticut 06106, on or before May 15, 1992.

The Board of Examiners for Nursing hereby informs the Respondent and the Department of Health Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 25 day of March, 1992.

BOARD OF EXAMINERS FOR NURSING

BY Janice Thibodeau, RN

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